IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Paul A. Stucky
Serial Number:	10/598,220
Filed:	08/22/2006
Group Art Unit:	2863
Examiner:	Sun, Xiuqin
Title:	TENSILE SUPPORT STRENGTH MONITORING SYSTEM AND METHOD

RESPONSE

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Non-Final Office Action mailed on June 16, 2008 Applicant respectfully requests reconsideration of this application.

The rejection of claims 1, 3-9, 11-13 and 16-19 under 35 U.S.C. §103 must be withdrawn.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon *Robar, et al.* in view of *Parrini, et al.* There is no *prima facie* case of obviousness. First, the Examiner attributes features to the *Robar, et al.* reference that are not there. The Examiner contends that column 7, lines 4-48 teach "a processor that translates at least one of the measured electrical characteristic and an electrical characteristic of at least one portion of a virgin support structure to correspond with a reference temperature to reflect an effect of a temperature in the hoistway." (Office Action, page 2) That is not what is taught in column 7 of the *Robar, et al.* reference. Instead, column 7 includes a mention of the fact that resistance is affected by factors such as

temperature and moisture. There is, however, nothing corresponding to the processor that the Examiner contends is found in the *Robar, et al.* reference.

Without that, there is no *prima facie* case of obviousness.

Additionally, the proposed combination of the *Robar, et al.* and *Parrini, et al.* references cannot be made. MPEP 2143.01(VI) dictates that a proposed modification to a reference cannot be made for purposes of trying to establish a *prima facie* case of obviousness when that proposed modification would change the principle of operation of the primary reference. The *Robar, et al.* reference teaches using multiple cords of electrically conductive material and making relative comparisons of resistance between neighboring cords to permit detection of changes in resistance despite effects from temperature, moisture or other environmental conditions. (Column 7, lines 43-48) In other words, the *Robar, et al.* reference operates on the principle of measuring resistance in multiple cords so that relative comparisons between those resistance measurements can be made to eliminate the effect of temperature.

The Examiner's proposed modification for adding a temperature sensor from the *Parrini, et al.* reference would change the principle of operation of the *Robar, et al.* reference requiring it to measure temperature rather than taking measurements that effectively eliminate the effect of temperature. Such a modification changes the principle of operation of the primary reference and, therefore, the proposed combination cannot be made. There is no *prima facie* case of obviousness. The rejection under 35 U.S.C. §103 must be withdrawn.

Applicant thanks the Examiner for the indication of allowable subject matter. For the above reasons, Applicant respectfully submits that all claims are allowable.

Respectfully submitted,

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Dated: September 16, 2008

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